

APPENDIX E

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MEMORANDUM

TO: Arlene Huff *JSmith*

FROM: Juanita Smith

DATE: January 9, 2004

RE: 204684US-6541-6541-6

Per my conversation with Examiner Paul Huber regarding the above-identified application, the Petition to W/D Holding of Abandonment filed December 27, 2002, has not been matched with the file and therefore needs to be re-filed. Also, fax the complete filing to Examiner Huber at (703) 746-5973, so that he can act on this matter immediately.

Thank you.

Attachment: File (204684US)

APPENDIX E

MEMO TO FILE - TELEPHONE DISCUSSION

DOCKET NO. 204684US1091761,961

NAME:

Paul R. Smith

**DATE AND  
NUMBER CALLED**

11/9/04

703-308-1349

703-746-5973(fax)

**PERSON TALKED TO**

Paul Huber

**REASON FOR CALL**

No record of  
the Reg WID  
Holding of Abandonments  
in file. Refile &  
fax information  
regarding petition.  
Move status 3  
months.

## APPENDIX F

\*\*\* TRANSMISSION RESULT REPORT (IMMEDIATE TX) ( JAN. 23. 2004 3:47PM ) \*\*\*

*23w4*  
FAX HEADER: OBLON, SPIVAK

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERSONAL NAME	FILE
JAN. 23.	3:42PM	97038729306	G3ES	5' 18"	P. 17	OK		208



# : BATCH  
M : MEMORY TX  
S : STANDARD  
\* : PC

C : CONFIDENTIAL  
L : SEND LATER  
D : DETAIL  
+ : ROUTING

S : TRANSFER  
@ : FORWARDING  
F : FINE  
Q : RECEP'T. NOTICE REQ.

P : POLLING  
E : ECM  
> : REDUCTION  
A : RECEP'T. NOTICE

204684US6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Munetoshi MORIUCHI, et al. : EXAMINER: HUBER, Paul W.

SERIAL NO: 09/761,961 : GROUP ART UNIT: 2653

FILED: JANUARY 17, 2001

TITLE: WRITING DEVICE

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE/ALLOWABILITY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Notice of Abandonment dated October 30, 2002, Applicants, through Counsel of record, respectfully request that the holding of abandonment for the above-identified application be withdrawn due to the fact that the Notice of Allowance/Allowability mailed by the U.S. Patent and Trademark Office on June 24, 2002, was not received by Applicant's Attorney. The facts concerning this matter are as follows:

Upon receipt of the mail from the Patent Office in this firm, all mail is opened and logged in a daily computer mail log. All mail received from the Patent Office is logged in the mail log by serial number or patent number, along with a description of the mail received. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer

and matched with the correct application file. Any due dates resulting from the Patent Office mail are entered in the computer.

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Issue Fee, nor did it show receipt of the Notice of Allowance/Allowability (see attached computer printouts). The Patent Office computerized Mail Log was then checked. Mail from the Patent Office is generally received by our firm within two to three days of mailing; however, to ensure a complete check, the daily mail log was searched from June 24, 2002 through July 8, 2002 and found to contain no record of having the Notice of Allowance/Allowability for the above-identified application.

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice of Allowance/Allowability.

It is believed that the above discussion and documents enclosed herewith clearly prove that abandonment of this application is deemed unavoidable due to non-receipt of the Notice of Allowance/Allowability, and therefore, the holding of abandonment was issued in error.

Accordingly, it is requested the holding of abandonment be withdrawn and that the Notice of Allowance/Allowability be reissued in the present application.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier  
Registration No. 25,599  
Attorney of Record



**22850**

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GJM//dgh

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